

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

KENNETH W. MOORE

PLAINTIFF

V.

NO. 5:19-cv-00178-ERE

TRACY TAYLOR

DEFENDANT

ORDER OF DISMISSAL

I. Introduction:

Eric Lee Hall, an Arkansas Division of Correction inmate formerly incarcerated at the W.D. “Dub” Brassell Detention Center (Detention Center) originally filed this civil rights lawsuit on behalf of himself, Kenneth Moore, and Marvin Reeves. *Doc. 1*. Pursuant to Court policy, each Plaintiff was permitted to proceed on their own claims in separate lawsuits.

Plaintiff Kenneth Moore has now been released from custody (*Doc. 12*) and is proceeding *in forma pauperis* (*Doc. 28*) on his excessive-force claim against Defendant Tracy Taylor (*Doc. 4*). Both Mr. Moore and Mr. Taylor are proceeding *pro se*.

Based on the explanation provided below, Mr. Moore’s claims against Defendant Taylor are now DISMISSED, without prejudice, based on his failure to prosecute this lawsuit.

II. Procedural History:

On August 5, 2021, the Court entered a Final Scheduling Order setting the case for a bench trial on November 17, 2021. *Doc. 31*. The Order directed the parties to: (1) file Pre-Trial Information Sheets with the Clerk's Office no later than October 18, 2021, including exhibit and witness lists; (2) stipulate in writing to all material facts not in controversy before the trial date; (3) attend a pre-trial conference, by telephone, on November 4, 2021, at 10:00 a.m.; and (4) contact the Court's Courtroom Deputy to provide their telephone numbers before the pre-trial conference. *Doc. 31*.

By November 3, 2021, neither party had: (1) filed a Pre-Trial Information Sheet; (2) submitted written stipulations; or (3) provided the Court a telephone number so that the Court may conduct the pre-trial conference. As a result, the Court had no idea how to contact the parties for the telephone conference and lacked the information from the parties necessary to conduct a meaningful pre-trial conference.

Therefore, on November 3, 2021, the Court cancelled both the pre-trial conference and the bench trial. *Doc. 32*. The Court also ordered Mr. Moore to: (1) file a written notice explaining why he failed to comply with the Court's Final Scheduling Order; (2) submit a Pre-Trial Information Sheet; and (3) either provide a telephone number or email address at which he can be reached, if possible, or state that he would agree to appear in person for any future court proceedings. The Court

allowed Mr. Moore until November 15, 2021 to comply with the Order and specifically cautioned Mr. Moore that, if he failed to comply with the Court's November 3, 2021 Order, he risked dismissal of this lawsuit for failure to prosecute his case. See Local Rule 5.5(c).

To date, Mr. Moore has failed to comply with this Court's Final Scheduling Order or this Court's November 3, 2021 Order. *Docs. 31, 32*. The time for doing so has passed.

III. Conclusion:

IT IS THEREFORE ORDERED THAT:

1. Mr. Moore's claims are DISMISSED, without prejudice, based on his failure to prosecute this case and his failure to comply with the Court's August 5, 2021 and November 3, 2021 Orders.

2. The Clerk is instructed to close this case.

DATED this 16th day of November, 2021.


UNITED STATES MAGISTRATE JUDGE